IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 682 of 2002 (M/B)

Kamal Jeet Singh S/o late Sri Balwant Singh
R/o 8/5 Industrial Colony,
C.B. Ganj, Bareilly. …. Petitioner.

Versus

1. State of Uttaranchal through
   Chief Secretary, Dehradun.
2. Collector,
   Udham Singh Nagar.
3. Jail Superintendent,
   Sampurnanand Jail,
   Sitarganj,
   District Udham Singh Nagar.
4. State of U.P.
   through Chief Secretary,
   Lucknow. …. Respondents.

Mr. A.K. Sharma, Advocate for the petitioner.
Mr. Subhash Upadhyaya, Standing Counsel for respondent no. 1 to 3.
Mrs. Beena Pande, Advocate for respondent no. 4.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble P.C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. A.K. Sharma, Advocate for the petitioner.

Mr. S. Upadhyaya, Standing Counsel for respondent no. 1 to 3.

Mrs. Beena Pande, Advocate for respondent no. 4.

They are heard.

2. Petitioner Kamal Jeet Singh has filed this petition for the following reliefs:

> "i. To issue a writ, order or direction in the nature of mandamus commanding the respondents to give compensation arising from Khata-Khatoni no. 11, area 1067-6 Bigh's at the market rate.
> ii. To issue any other writ, order or direction which this Hon'ble Court may deem fit and proper.
> iii. Award cost of the petition."

3. Admittedly, the land in question was acquired by the Government sometime in the year 1960. The petitioner in the petition though pleaded that the land in the possession of the petitioner's father was acquired by the respondents, but no reference was made to the Award passed in the matter. It was only in the counter affidavit that it was mentioned that the Award was passed in the matter in the year 1960 and the amount of compensation was deposited in the Treasury as per the Award.

4. Even according to the petitioner, the petitioner's father – Balwant Singh survived for a period of 28 years after the acquisition and the Award, and did not initiate any proceedings for grant of enhanced compensation. The petitioner – Kamal Jeet Singh too did not initiate any such proceedings for a period of 14 years after the death of his father till the filing of this petition in the year 2002.

5. Thus, we are left with no other option, but to dismiss the petition on the ground of delay and latches as the petition is highly belated.

6. The petitioner, however, shall be at liberty to work out his other remedies for the release of the amount of compensation deposited in the Treasury in the year 1960, if the same is permissible under the relevant provisions of law.

7. With the above observation, the writ petition stands disposed of.

(P.C. Pant, J.) **(Rajeev Gupta, C.J.)**
12.04.2006 12.04.2006

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